

# Reconstructing the South

by Sophia



## WHAT'S COVERED

The Union's victory in the Civil War signaled the end of slavery in the South and, with it, the potential transformation of American society. However, the assassination of Abraham Lincoln in April of 1865 created a vacuum in leadership with respect to Reconstruction in the South. The new President, Andrew Johnson, and Congress, differed on what Reconstruction should accomplish, and how it should go about accomplishing it.

In the South, the first generation of African-American voters struggled to gain a voice, and to transform a society that had depended on slavery into one that promoted free labor and opportunity.

This tutorial examines Reconstruction in the South in six parts:

## 1. Reconstructing the South

As the dispute between Lincoln's Ten Percent Plan and Congress's Wade-Davis Bill showed, no one in American government was sure how to reincorporate the Confederacy into the Union. In addition to the problem of how to re-create southern state governments, two other important questions emerged by war's end:

1. How could the South, which was largely agricultural and dependent on enslaved labor, become a modern society and economy based on free labor?
2. What role would African Americans, many of whom were formerly enslaved, play in the reconstructed South?

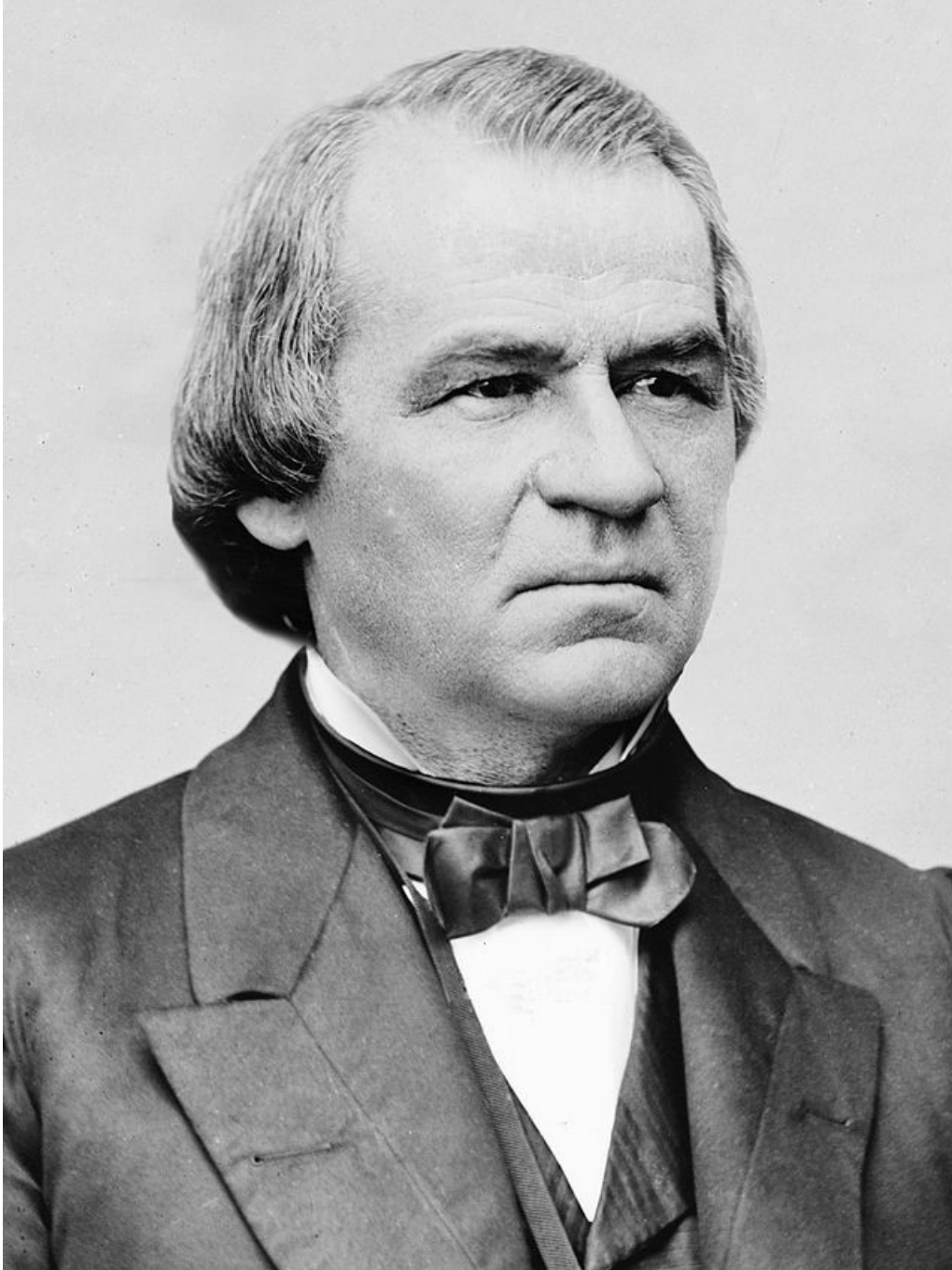
Attempts to answer these questions had to overcome two fundamental problems associated with Reconstruction:

### Fundamental Dilemmas Associated With Reconstruction

<b>Scope</b>	What should Reconstruction address? Should it focus only on politics—the readmission of southern states to the Union—or should it also address social issues, such as equality before the law, for African Americans and others?
<b>Agents</b>	Who should take the lead on Reconstruction—the president, Congress, or state governments? How

## 2. Presidential Reconstruction

Upon the assassination of President Lincoln, the task of Reconstruction first fell to his vice president, Andrew Johnson (pictured below).



Like Lincoln, Johnson wanted to reincorporate the South in the Union quickly, and on terms that were perhaps even more lenient than Lincoln's. Historians refer to Johnson's plans for Reconstruction as **Presidential Reconstruction**. Johnson issued his plan in May of 1865, while Congress was out of session.



TERM TO KNOW

**Presidential Reconstruction**

President Andrew Johnson's plan for Reconstruction, which provided sweeping "amnesty and pardon" to all southerners who proclaimed loyalty to the Union.

Confederate governmental leaders, high-ranking military officers, and persons with taxable property worth more than \$20,000 were excluded from amnesty. To regain their political and property rights (with the exception of enslaved people), this class of wealthy southerners had to request a pardon from the President.

Johnson excluded high-ranking Confederates and wealthy southerners from amnesty because he believed they were primarily responsible for the war between North and South.

Johnson's plan also included straightforward requirements for the readmission of southern states to the Union. He appointed provisional governors for each state, who then called constitutional conventions.



#### DID YOU KNOW

Delegates to these constitutional conventions were elected by White property owners. African Americans were excluded from the process.

Southern state constitutions had to reject secession and abolish slavery by recognizing the Thirteenth Amendment. Once they had done so, according to Johnson's plan, nothing more needed to be done: the Union would be restored.

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## 3. Challenges to Presidential Reconstruction

Certain events in the South undermined Presidential Reconstruction.

Although Johnson pardoned many Confederate leaders and military officers, he did not anticipate that White southern voters would elect them to office. In elections held in 1865, a number of former Confederate officials and slaveholders were voted into important positions at the local, state, and federal levels. Following the elections, a number of them went to Washington, D.C. to reclaim seats in Congress.



#### DID YOU KNOW

The most notable of these cases occurred in Georgia, where voters elected Alexander H. Stephens, the former Confederate Vice President, to the U.S. Senate!

In an expression of southern defiance, Presidential Reconstruction was further undermined by the passage of **Black Codes** in the former Confederate states.



#### TERM TO KNOW

##### **Black Codes**

Laws enacted by the new southern governments in 1865 and 1866; designed to maintain White supremacy by regulating the lives of former enslaved people.

While specific laws varied in content and severity from state to state, the goal of the Black Codes was consistent. They were enacted to maintain the social and economic structure of racial slavery in the absence of slavery itself. Although the codes granted certain freedoms, such as the right to marry, they outlawed interracial marriage and deprived former enslaved people of the rights to vote, serve on juries, own or carry weapons and, in some cases, even the right to rent or lease land.

The Black Codes included labor laws that reflected the pre-war economy, which had been based on enslaved labor, under the facade of a free-labor system.

Employers required formerly enslaved people to sign yearly contracts that prevented them from working for more than one employer. This restricted their ability to influence wages or working conditions by choosing to work for an employer who offered the best terms (as called for in a free-labor economy). Former enslaved people who violated a labor contract could be fined or beaten. Anyone who refused to sign a contract could be arrested for vagrancy, then made to work for no wages for a plantation owner—essentially re-enslaving them.



This sketch, published in *Frank Leslie's Illustrated Newspaper* in January of 1867, includes this caption: "Selling a freedman to pay his fine, at Monticello, Florida."

The image above illustrates the economic and political conditions that many former enslaved people experienced under Presidential Reconstruction. White Southerners and former Confederates, encouraged by the Johnson administration to quickly form southern state governments that only abolished slavery, implemented the Black Codes to control the lives and labor of former enslaved people.



#### THINK ABOUT IT

The freedman depicted in the center of this sketch was likely someone who was unable—or refused—to sign a labor contract. A number of individuals in the sketch seem to be willing to pay his fine in exchange for labor. Do you notice any similarities between this image and earlier depictions of slave auctions that occurred before the Civil War? What are some important differences (if any)?

## 4. Congress Responds

The election of former Confederates to Congress, and the enactment of Black Codes, indicated to many Republicans in Congress that the southern states did not accept the outcome of the Civil War. Congress responded to southern defiance in ways that brought it into direct conflict with President Johnson.

Republicans (who held the majority in Congress) refused to recognize the southern state governments that President Johnson had authorized under his plan for Reconstruction. They also refused to allow Alexander H. Stephens and other Representatives and Senators elected by the former Confederate states to take their seats in Congress.

In addition, Congress waged a series of political battles against President Johnson over Reconstruction that ultimately resulted in impeachment proceedings against him. One of these battles centered on the **Freedmen's Bureau**.



### TERM TO KNOW

#### **Freedmen's Bureau**

Created by the federal government in 1865 to ease the transition from slavery to freedom for former enslaved people.

President Lincoln approved the creation of the bureau in March of 1865, granting it a one-year charter. The Bureau engaged in a number of activities to ease the transition from slavery to freedom in the South. Members delivered food to individuals, helped freedmen gain labor contracts, and provided assistance in legal disputes. They also coordinated with aid organizations and missionary societies to establish thousands of public schools that educated children of both races.

In the spring of 1866, Congress voted to renew the charter for the Freedmen's Bureau. However, President Johnson vetoed the bill. The future of the Bureau was in doubt.

Another political battle revolved around the first Civil Rights bill, which challenged the infamous *Dred Scott* decision and responded to the Black Codes by formally establishing the citizenship of everyone born in the United States — including African Americans. The bill expanded federal authority to include the power to intervene in state affairs to guarantee citizens, including African Americans, equal protection under the law.

Johnson vetoed both bills on the following grounds:

- He argued that the Freedmen's Bureau and the Civil Rights Act would centralize power in the federal government at the expense of the states.
- Although he accepted the abolition of slavery under the Thirteenth Amendment, Johnson believed that Black Americans were inferior and argued that Congress would discriminate against White people if it recognized African-American citizenship.

The vetoes widened the breach between President Johnson and Republicans in Congress, who maintained their majority. In April of 1866, Congress overrode Johnson's veto of the Civil Rights bill, enacting the first Civil Rights Act in American history. Later that year, it passed another bill that extended the charter of the Freedmen's Bureau. In the Congressional elections of 1866, Republicans added seats to their majority, which enabled them to dictate Reconstruction policy despite Johnson's opposition.



### DID YOU KNOW



By 1867, tensions between Johnson and the Republican-dominated Congress were so great that, for the first time in American history, the House voted to impeach the President. Johnson barely survived impeachment proceedings in the Senate. The final vote was 35 to 19 in favor of impeachment, one vote short of the required two-thirds necessary to remove him from office.

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## 5. Congressional Reconstruction

The subsequent history of Reconstruction is a period that historians often refer to as **Congressional Reconstruction**.



### TERM TO KNOW

#### Congressional Reconstruction

Period in which Congress repealed Presidential Reconstruction and played a direct role in reconstructing southern states in a way that protected the civic and political rights of former enslaved people.

Like Abraham Lincoln, the members of Congress that Johnson most often found himself at odds with were legislators known as **Radical Republicans**.



### TERM TO KNOW

#### Radical Republicans

Northern Republicans who proposed harsher punishments for Confederate states and sought to protect the rights of former enslaved people.



### DID YOU KNOW

The two most notable Radical Republicans were Congressman **Thaddeus Stevens**, who represented Pennsylvania, and Senator Charles Sumner from Massachusetts, who had recovered from Preston Brooks' attack in 1856.



### PEOPLE TO KNOW

#### Thaddeus Stevens

Representative from Pennsylvania in the House of Representatives who was a leader of the Radical Republicans during Reconstruction.

The Radical Republicans insisted that civil rights for freed enslaved people should take precedence over any other issue related to Reconstruction.

➔ **EXAMPLE** Sumner advocated for the integration of schools and giving Black men the right to vote. Thaddeus Stevens argued that the southern states had forfeited their rights as states when they seceded from the Union and, as a result, the federal government could organize new state governments as it wished.

Radical Republicans were willing to use the power of the federal government, especially Congress, to implement their vision for the South: one in which the economy was based on free labor, and government protected the former enslaved people.

Led by Radical Republicans, and spurred by the passage of the Civil Rights Act, Congress took the final step in overturning the *Dred Scott* decision in July of 1866, when it sent the **Fourteenth Amendment** to the states

for ratification.



#### TERM TO KNOW

### Fourteenth Amendment

Grants citizenship to all people born in the United States and guarantees citizens equal protection under the law.

The amendment grants citizenship to “all persons born or naturalized in the United States....” Furthermore, it guarantees citizens equal protection under state and federal law. In doing so, it effectively overturned the *Dred Scott* decision as well as the Three-Fifths Compromise written into the Constitution, which counted enslaved people as three-fifths of a free White person.

To guarantee equal protection under the law, the Fourteenth Amendment declared that the federal government could intervene in state affairs if state governments failed to protect citizens’ constitutional rights. This part of the amendment gave Congress the ability to intervene directly in southern state politics.



#### DID YOU KNOW

Any southern state that ratified the Fourteenth Amendment would be readmitted to the Union. At President Johnson’s urging, all of the former Confederate states, with the exception of Tennessee, refused to ratify the amendment in 1866.

Because all but one of the former Confederate states refused to ratify the Fourteenth Amendment, Congress went one step further in the spring of 1867 by enacting (over Johnson’s veto) the **Reconstruction Act**.



#### TERM TO KNOW

### Reconstruction Act

Divided the South into military districts, and outlined the terms for the readmission of the southern states to the Union.

The Reconstruction Act accomplished the following:

- Divided the former Confederacy (with the exception of Tennessee, which had been readmitted) into five military districts. A Union general commanded each district, and was authorized to use federal troops to oversee elections and ensure equal protection under the law
- Outlined the process by which the southern states could create new state governments. The states were required to write new constitutions that rejected secession, abolished slavery, guaranteed universal male suffrage, and ratified the Fourteenth Amendment.
- Once a southern state took these steps, Congress would consider its readmission into the Union.

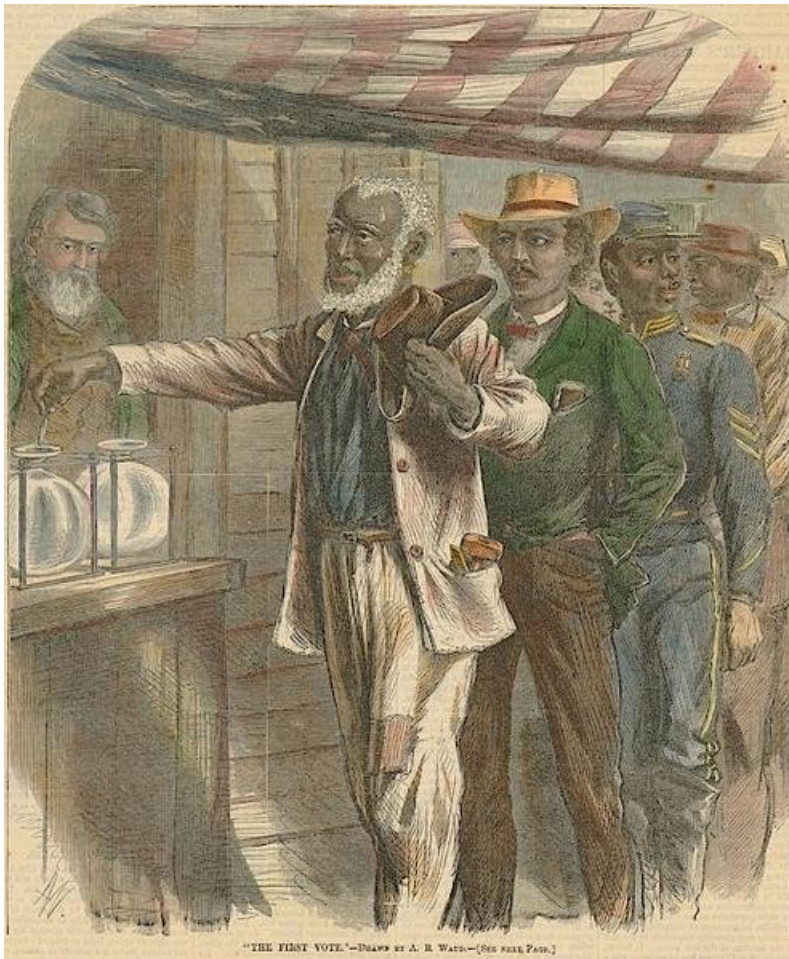
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## 6. “The First Vote”

The most radical aspect of Congressional Reconstruction was that it guaranteed that African Americans in the South could participate in the political process. Shortly after the passage of the Reconstruction Act, the Union Army began to register Black voters and organize elections for the state constitutional conventions.

By the fall of 1867, when the elections for new southern state governments were first held, the United States stood on the brink of significant social change. Throughout the South, one could view scenes that not even the American Revolution could have produced.

Consider the image below (“The First Vote”), which appeared on the cover of *Harper’s Weekly* on November 16, 1867.



#### THINK ABOUT IT

Closely examine the three figures in the center of the image. Who do they represent, and what is the significance of each?

The image above celebrates a significant expansion of American freedom. Three people — a laborer with tools in his pocket (a former enslaved man, perhaps), a well-dressed figure (who was likely free before the war), and a Union soldier — stand in line to cast their ballots in a state election. A federal military official stands behind the voting counter, and an American flag is displayed above everyone. Before the Civil War, the people in line did not have the right to vote, because suffrage was limited to White men. In November of 1867, however, they were voting for the first time because of Congressional Reconstruction.

The implications were significant. The individuals in the image were empowered to elect their representatives. By doing so, they could begin to change social and political restrictions entrenched in southern—and American—society since the Revolution.

#### Additional Resources

View key Civil War and Reconstruction primary documents held at the [Library of Congress](#).



#### SUMMARY



Federal lawmakers faced important questions regarding the scope and processes of Reconstruction at the end of the Civil War. After the assassination of President Lincoln in April of 1865, the new president, Andrew Johnson, quickly implemented his plan for Reconstruction, referred to by many historians as Presidential Reconstruction. Southern resistance undermined Presidential Reconstruction and led members of Congress, particularly the Radical Republicans, to introduce a broader Reconstruction plan: one that addressed the political rights of former enslaved people. By the fall of 1867, more than two years after the end of the Civil War, the United States stood on the brink of significant social change as African Americans in the South voted in state elections for the first time.

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## TERMS TO KNOW

### **Black Codes**

Laws enacted by the new southern governments in 1865 and 1866; designed to maintain white supremacy by regulating the lives of former enslaved people.

### **Congressional Reconstruction**

Period in which Congress repealed Presidential Reconstruction and played a direct role in reconstructing southern states in a manner that protected the civic and political rights of former enslaved people.

### **Fourteenth Amendment**

Grants citizenship to all individuals born in the United States and guarantees citizens equal protection under the law.

### **Freedmen's Bureau**

Created by the federal government in 1865 to ease the transition from slavery to freedom for the formerly enslaved.

### **Presidential Reconstruction**

President Andrew Johnson's plan for Reconstruction; provided sweeping "amnesty and pardon" to all southerners who proclaimed their loyalty to the Union.

### **Radical Republicans**

Northern Republicans who proposed harsher punishments for Confederate states and sought to protect the rights of former enslaved people.

## Reconstruction Act

Divided the South into military districts and outlined the terms for the readmission of the southern states to the Union.



## PEOPLE TO KNOW

### Thaddeus Stevens

Representative from Pennsylvania in the House of Representatives who was a leader of the Radical Republicans during Reconstruction.



## DATES TO KNOW

### March 1865

Congress establishes the Freedmen's Bureau.

### April 1865

The Confederate Army surrenders at Appomattox Courthouse; Abraham Lincoln is assassinated; Andrew Johnson becomes president.

### May 1865

Andrew Johnson issues his plan for Presidential Reconstruction.

### December 1865

The Thirteenth Amendment is ratified.

### 1865–1866

Southern states introduce "Black Codes".

### 1866

The Civil Rights Act passes over Andrew Johnson's veto; The Freedman's Bureau is renewed.

### 1867

Andrew Johnson survives Congressional impeachment; Congress passes the Reconstruction Act.

### 1868

The Fourteenth Amendment is ratified; Ulysses S. Grant is elected president.